

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING  
PLANNING COMMISSION AT ITS REGULAR MEETING OF JUNE 16, 2015

PLANNING COMMISSION  
MINUTES OF MAY 19, 2015  
CITY COUNCIL CHAMBERS  
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, Bueche, Goodheart, Hegyi (arrived at 7:04 pm), Postema,  
Spencer, Weller

MEMBERS ABSENT: Micele, Woodruff

STAFF PRESENT: Rynbrandt, Director of Community Services  
Cochran, City Planner  
Lucar, Administrative Aide

Chair Spencer called the meeting to order at 7:00 PM.

Motion by Postema, supported by Arnoys, to excuse Hegyi, Micele and Woodruff. Motion  
carried unanimously.

Cochran mentioned that five affirmative votes would be needed to approve an item.

APPROVAL OF MINUTES

The minutes of April 21, 2015 were approved as written.

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There were no public comments.

AGENDA ITEM NO. 1

Request for Special Use Approval for Jimmy John's Drive Through Restaurant. The  
property is located at 2045 – 28<sup>th</sup> St SW. (Section 10) (Exxel Engineering) (Includes  
Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. Jimmy John's proposes to develop a 1,620 square foot restaurant with drive through service on this vacant property.

(Hegyi arrived at this time.)

The following standards for Special Use Approval shall be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

This proposed drive through restaurant would be developed on a vacant parcel. Jimmy John's is a quality restaurant and would be an enhancement to this area. There will be no adverse effects on neighboring properties.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. Adjacent to this property is a Subway Restaurant also with a drive through service. The proposed use is consistent with the Zoning Ordinance.

- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The potential restaurant has direct access to 28<sup>th</sup> Street. No adverse traffic impacts are anticipated from the proposed use.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

The potential drive through restaurant will occupy a vacant property and will have no blighting influence on neighboring properties.

- e. The economic feasibility for the area.

The proposed use appears financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

Staff had no additional comments.

- g. That all other provisions of this chapter are met.

With the exception of additional on-site parking, staff has no other concerns. This issue will be addressed under the site plan review.

Staff had the following added site plan comments:

1. Final grading, utility and storm water management plans shall be approved by the Engineering Department. Storm water calculations shall be provided.
2. The project shows 34 parking spaces with 17 required by ordinance. Zoning Ordinance Section 90-646 (6) (e), limits the development to no more than a 20% increase (21 spaces) unless as authorized by the review authority. The property is currently owned by the owner of the commercial building to the east. He desires to have 17 spaces available on the Jimmy John's property to, if needed, support any future businesses on that adjoining property. The parking would be as close as 25 feet to the adjoining building. Currently, there is a restaurant supply business occupying the west ½ of the adjoining site, with past uses including a flooring business. Such businesses are more show room, and have low parking demands. Approval of the additional parking is supported by staff, as it will allow greater opportunities for business use on the adjoining site. A shared parking easement is required to be provided.
3. The building façade incorporates extensive brick and windows. The buildings appearance will be an asset to the corridor. The proposed façade is adopted as part of the Site Plan Approval.
4. A landscape plan has not been provided for this project. A final landscape plan, meeting City requirements, shall be submitted to, and approved by, the Planning Department prior to installation. Irrigation in the front yard area shall be required.

Cochran highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed Jimmy John's will be a quality restaurant in the 28 West area that is in need of additional business investment. Such a business would contribute to the city's economic and social strength. The proposed Jimmy John's Drive Through Restaurant conforms to the City of Wyoming Sustainability Principles.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for Jimmy John's Drive Through Restaurant per the findings of fact. In a separate motion, Staff recommended granting Site Plan Approval subject to conditions 1, 3 and 4 noted. Condition 2 is modified to grant the proposed 34 parking spaces, subject to provision of the shared parking agreement.

Chair Spencer opened the public hearing.

The owner and operator of the Subway restaurant adjacent to this property at 2101 – 28<sup>th</sup> St SW was in favor of the use, but not the drive-through component, because it will cause too much traffic congestion which will negatively affect his business. He thought there would not be enough parking on the site to accommodate room for the drive-through. Also, there is limited space for snow storage in the winter. He did not think the pass-through lane was wide enough at 20 feet.

Chair Spencer closed the public hearing.

Petitioner Todd Stuive of Exxel Engineering pointed out they will be using the existing curb cuts on 28<sup>th</sup> Street, they are increasing the green space by 20%, and the seller is requiring there to be additional parking. They feel there will be plenty of parking on the site. The 20 feet passing lane is adequate width, and the drive-through option will ultimately reduce the need for parking on the site.

Motion by Postema, supported by Arnoys, to grant Special Use Approval for Jimmy John's Drive Through Restaurant per the findings of fact. Discussion followed.

Chair Spencer asked if the 20 feet passing lane met the ordinance requirements. Cochran responded affirmatively. Chair Spencer mentioned snow removal is a problem for all businesses. Cochran noted most businesses arrange to have the snow hauled away when the amount is too great.

A vote on the motion carried unanimously.

Motion by Bueche, supported by Weller, to grant Site Plan Approval subject to conditions 1, 3 and 4 noted. Condition 2 is modified to grant the proposed 34 parking spaces, subject to provision of the shared parking agreement. Discussion followed.

Goodheart asked if 18 feet was standard now for parking spaces. Cochran said yes, it is the standard now city-wide. Goodheart asked if the greenspace amount included the public right-of-way. Petitioner Stuive replied the greenspace amount stated does not include the public right-of-way. Goodheart asked if storm water detention is required. Stuive responded no, but they have to provide a storm water quality unit.

A vote on the motion carried unanimously.

## AGENDA ITEM NO. 2

Request to amend Zoning Code Section 90-50 Repairs to: parking and storage of vehicles in residential districts. (Wyoming Planning Department)

Cochran noted the Building Inspections Department responds to ordinance compliance inquiries and complaints regarding recreational vehicles and trailers kept on residential properties. In administering the regulations, it has been determined that the Zoning Ordinance is unclear as to

how utility trailers are considered. In 2011, the Zoning Ordinance was amended with an updated and expanded section pertaining to definitions. These amendments identified what is considered a recreation vehicle. The proposed amendment clarifies that in addition to a recreation vehicle, a utility trailer is allowable on residential properties. In addition, because motorized homes and travel trailers are being manufactured taller, the height limit is proposed to be increased from nine (9) to twelve (12) feet.

Proposed Ordinance Amendments (amendments in **bold**):

Section 90-50 Repairs to: parking and storage of vehicles in residential districts.

(3) b. No more than one recreational vehicle, **and one utility trailer**, may be kept or stored outdoors at any one time.

c. Storage of **recreational vehicles and trailers** shall be in the rear yard only. Where there is no access available to the rear yard, such vehicles may be located on the side yard, provided that they are parked or stored at least three feet from the side lot line, that such vehicles are parked and stored at least 12 feet from the residential dwelling on the adjoining property, and that such vehicles shall not exceed 32 feet in length or **12 feet in total height**.

d. The recreational vehicles **and trailers** shall be in good repair.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendments to Section 90-50 Repairs to: parking and storage of vehicles in residential districts.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Motion by Hegyi, supported by Arnoys, to recommend to the City Council the subject Zoning Code amendments to Section 90-50 Repairs to: parking and storage of vehicles in residential districts. Motion carried unanimously.

AGENDA ITEM NO. 3

Request for Site Plan Approval for J & H Family Stores. The property is located at the southeast corner of 44<sup>th</sup> Street and Clyde Park Avenue. (Section 25) (Hop Family, LLC)

Cochran described the location, existing land use and current zoning around the area. On March 17, 2015, the Planning Commission granted Special Use and Site Plan Approval for the development of the J & H Family Store on a portion of this site. Subsequently, the petitioner and overall property developer have decided to expand the J & H Family Store to encompass the entire frontage from Clyde Park Avenue to the Pizza Hut restaurant. The expansion of the

property allows for the increase of the building from 5,093 to 6,832 square feet, and creates better traffic flow for patrons, drive through window, tanker deliveries and garbage pick-up. The Tim Horton's restaurant with a drive through remains part of the development. The Special Use Approval previously granted was determined by staff to be applicable to this expanded site. The revised site plan constitutes a major change requiring Planning Commission approval. The project is part of a master planned commercial development that includes Fox Powersports and an Extended Stay Hotel.

Staff had the following added site plan comments:

1. Final grading, utility and storm water management plans shall be approved by the Engineering Department. Driveway design and openings shall be determined through permit by the Engineering Department.
2. All utility, highway and cross access easements shall be provided to the Engineering Department.
3. The building façade incorporates a combination of brick, split face block, EFIS and glass. The proposed façade is adopted as part of the Site Plan Approval.
4. A landscape plan has not been provided for the development. A landscape plan meeting City requirements shall be provided for review and approval by the Planning Department. Irrigation in the greenbelts adjoining the public streets must be provided.

Cochran highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed development will contribute significantly to the redevelopment of this significant commercial corner. The business development will contribute to the city's economic and social strength. The proposed J & H Family Store conforms to the City of Wyoming Sustainability Principles.

#### Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Site Plan Approval subject to conditions 1-4 noted.

Motion by Weller, supported by Goodheart, to grant Site Plan Approval subject to conditions 1-4 noted. Motion carried unanimously.

#### AGENDA ITEM NO. 4

Request for Site Plan Approval for an addition to KISD – Pine Grove Learning Center.  
The property is located at 2101 – 52<sup>nd</sup> St, SW (Section 27) (Progressive AE)

Cochran described the location, existing land use and current zoning around the area. On

December 18, 2007, the Planning Commission granted Site Plan Approval for the development of the Kent Intermediate School District – Pine Grove Learning Center. That approval also included an associated development on the site referred to as the Olivia's Gift Building. Subsequently, only the Pine Grove building was constructed, but the site infrastructure was established for the entire property. KISD now proposes to expand the facility to accommodate more special needs children and young adults. The addition would provide eight classrooms and expand the cafeteria. The loop driveway is shown to be extended and completed around the facility.

Staff had the following added site plan comments:

1. Final grading, utility and storm water management plans shall be approved by the Engineering Department.
2. The landscape plan identifying plantings to serve as a buffer to the residential properties to the east is adopted as part of this Site Plan Approval.

Cochran highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed development will contribute significantly to the social equity of the greater Wyoming area. The facility provides expansive green space surrounding the site which promotes environmental quality. A total of 76 employees are anticipated with the full development which contributes to the areas economic strength. The proposed KISD – Pine Grove Learning Center addition conforms to the City of Wyoming Sustainability Principles.

The KISD had provided a letter explaining the need for this expansion.

#### Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Site Plan Approval subject to conditions 1-2 noted.

Motion by Arnoys, supported by Hegyi, to grant Site Plan Approval subject to conditions 1-2 noted. Discussion followed.

Bueche questioned the accuracy of the boundary survey. The Civil Engineer from Progressive AE indicated they had used the original property survey and made some topographical changes.

A vote on the motion carried unanimously.

#### INFORMATIONAL ITEMS

Cochran noted the Commissioners will be receiving a notice of an informational meeting being provided to the residents in the southeast area of Wilson Avenue and 56th Street regarding the major development proposal by The Granger Group. Staff believes the proposal matches well

with the City's master plan for this area. The meeting is scheduled for June 4<sup>th</sup> at 6:00 p.m. at the Wyoming Senior Center because a high volume of attendees is expected.

Cochran mentioned election of officers will be in two months.

#### PUBLIC COMMENT

There was no public comment.

Weller asked if it was necessary to require a stamped surveyed drawing when there is an existing building and no changes to the site. This requirement causes a small business owner increased costs and time. Goodheart explained the City Ordinance required this about five years ago, and the requirement was changed to allow Cochran the ability to not require it if he deemed unnecessary. The site plan review checklist was developed at that time for Cochran to use in this determination. Cochran noted State law does require that surveys need to be signed by a surveyor. However, he thought the necessity of this requirement could be questioned when there is an existing building with no changes proposed to the site. He would like to have more latitude in this regard during site plan review, but would take the Commissioner's lead in what should be required.

Bueche noted, when a person buys or sells property, they need to know exactly where it is. There should be something concrete that shows the location and has a legal description attached to it. The City could be held liable in this regard. Weller disagreed that an application for Special Use Approval required that an engineer be hired and a survey done when there is an existing building with no changes to the site. Cochran pointed out a Special Use Approval does require a legal description, but he agreed there needs to be more discretion on whether to require a survey or not. It has been a burden to some developers to have to obtain a survey when it is not essential for the review.

Chair Spencer thought this issue should be discussed in more detail at a later time when the full Commission is in attendance. Rynbrandt pointed out the site plan checklist was developed for the purpose of giving Cochran discretion on items to be addressed during the review process. When the subject of the survey requirement had been brought up repeatedly at Commission meetings, staff made the decision to once again firm up the survey requirement. She agreed that further discussion was necessary.



ADJOURNMENT

The meeting was adjourned at 8:00 P.M.

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Anthony Woodruff, Secretary  
Wyoming Planning Commission

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Kimberly S. Lucar, Administrative Aide  
Wyoming Planning Commission